

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BUILDING SERVICE 32BJ HEALTH FUND,  
BUILDING SERVICE 32BJ LEGAL SERVICES  
FUND, BUILDING SERVICE 32BJ THOMAS  
SHORTMAN TRAINING, SCHOLARSHIP AND  
SAFETY FUND,

Plaintiffs,

AFFIDAVIT IN SUPPORT  
OF ORDER TO SHOW  
CAUSE  
08-CV-00898 (RWS)(JCF)

-against-

SHAMROCK ACQUISITIONS, CORP. d/b/a  
SHAMROCK BUILDING SERVICES AND  
SHAMROCK BUILDING SERVICES CORPORATION  
d/b/a SHAMROCK BUILDING SERVICES,

Defendant.

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STATE OF NEW YORK     )  
                                  )ss.:  
COUNTY OF NEW YORK   )

Ira A. Sturm, being duly sworn, deposes and says:

1. I am a partner in the law firm of Raab, Sturm, Goldman & Ganchrow, LLP., attorneys for the plaintiffs, BUILDING SERVICE 32BJ HEALTH FUND, BUILDING SERVICE 32BJ LEGAL SERVICES FUND, BUILDING SERVICE 32BJ THOMAS SHORTMAN TRAINING, SCHOLARSHIP AND SAFETY FUND, herein collectively referred to as the "Funds." This affidavit is submitted in support of the Funds' application for a preliminary injunction to compel employers, who are parties to collective bargaining agreements, to pay their monthly contributions as required under the agreements and pursuant to ERISA. The information contained herein is based upon my direct

knowledge, which is based upon declarations made by the president of the Defendants to me.

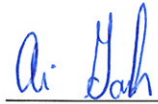
2. This action was commenced on January 25, 2008. The action was precipitated by an audit conducted by the Funds of the Defendants records. During the course of the audit it became clear that the Defendants simply stopped making the monthly contributions. I was advised by the auditor that the employer's president, Carl Shanahan, admitted to the auditor that the company was in financial trouble.
3. The Summons and Complaint were mailed to the Defendants and received by the Defendants at their Connecticut location on Saturday, January 26, 2008. (The papers were sent with a request for a waiver of the service of a summons as per Rule 4.)
4. On Monday, January 21, 2008, I attempted to contact Mr. Shanahan to advise him of the fact that the Funds were going to bring on the instant application. I left a message on Mr. Shanahan's cell phone and sent him an email. (I obtained this information from the Funds' auditor.) Mr. Shanahan returned my call.
5. Mr. Shanahan confirmed to me that he had received the court papers that we had sent. (Shamrock Building Services Corporation d/b/a Shamrock Building Services has acknowledged service and signed a waiver of service of summons.) Mr. Shanahan confirmed to me that his company was having financial difficulties. He confirmed that the Defendants were in arrears to the Funds. Mr. Shanahan stated that the reason for the non-payments and financial difficulties was due to the fact that the Defendants' comptroller had been "stealing" from the company, resulting in a loss of in excess of \$400,000.00. Mr. Shanahan acknowledged that according to his calculations the Funds were owed \$825,000.00. I advised that I thought the figure was higher. I asked if Mr. Shanahan

could give me the name of his attorney so that I could follow up with the attorney. He advised me that he did not have an attorney. I suggested that the Defendants quickly retain an attorney so that I could discuss this matter with counsel.

6. On Wednesday, January 30, 2008, I sent an email to Mr. Shanahan asking that he call me because of the Funds' desire to seek an injunction. On Friday February 1, 2008, Mr. Shanahan returned my call. He advised me that the company was in the process of retaining counsel and that he hoped to finalize the retainer arrangement by the following Friday. I advised Mr. Shanahan that I would probably not be able to wait to file papers for the injunction.

  
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IRA A. STURM

Sworn to before me this  
February 4, 2008



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NOTARY PUBLIC

ARI GANCHROW  
Notary Public, State of New York  
No. 02GA6129583  
Qualified in New York County  
Commission Expires June 27, 2009